

REMARKS

Claims 1-3, 5-17 and 20-27 are pending in this application. By this Amendment, claims 1 and 20-27 are amended. The amendments introduce no new matter because they are supported by at least the claims, as originally filed. Claims 4, 18 and 19 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed below; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution, and specifically in a recent telephone interview with the Examiner; and (c) place the application in better form for Appeal, should an Appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection, and as discussed with Examiner Colin in the August 31, 2006 telephone interview, in which the Examiner agreed to enter the amendments. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Colin during the August 31, 2006 telephone interview. Applicants' separate record of the summary of the substance of the telephone interview is contained in the following remarks.

The Office Action, in paragraph 1, indicates that the Information Disclosure Statement filed on July 12, 2006 fails to comply with the provisions of 37 C.F.R. §1.97 and §1.98, and MPEP §609, because a translation is not provided for the non-patent publication forwarded with the Information Disclosure Statement. Applicants respectfully submit that, as indicated in the Information Disclosure Statement, at paragraph 2, each of the four references cited in the Information Disclosure Statement, including reference number 4, an article entitled "Next Generation Logistic System Using Non-Contact IC Technology" by Hitachi Hyoron, was cited

in the counterpart foreign application. An English-language version of the foreign Office Action was attached to the Information Disclosure Statement. This English-language version of the foreign Office Action meets the requirements of 37 C.F.R. §1.97 and §1.98 for providing a separate statement of relevance regarding a non-English language reference.

The Examiner's consideration of this reference is respectfully requested. Further, indication of consideration of this reference is respectfully requested by the Examiner initialing and forwarding the attached copy of the Form PTO-1449 that was included with Applicants' July 12 Information Disclosure Statement to Applicants' representative.

Applicant's representative briefly discussed this matter with Examiner Colin during the August 31 telephone interview. The Examiner indicated that he would signify his consideration of the applied prior art reference by initialing and forwarding to Applicants' representative the enclosed copy of the Form PTO-1449.

The Office Action, in paragraph 2, reviews many of the arguments Applicants previously set forth traversing the prior art rejections of the Office Action. The Office Action concludes that these arguments are not considered persuasive by the Examiner.

The Office Action, in paragraph 3.1, rejects claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,117,096 to Bauer et al. (hereinafter "Bauer") in view of U.S. Patent Application Publication No. US 2002/0013898 to Sudia et al. (hereinafter "Sudia"). This rejection is respectfully traversed.

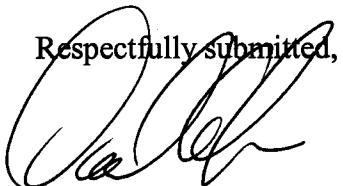
Applicants previously carefully reviewed the Bauer and Sudia references and presented arguments traversing the prior art rejections of the Office Action over this combination of references. As indicated above, this Office Action, in paragraph 2, indicates that the totality of those arguments are not considered by the Examiner to be persuasive. Applicants continue to believe that there are several of the previously-presented arguments that have not been fully addressed in any Office Action to date.

In this regard, Applicants' representative contacted the Examiner to schedule a personal interview to attempt to further prosecution of this application. Examiner Colin granted Applicants' representative a personal interview scheduled for September 19, 2006. Examiner Colin separately telephoned Applicants' representative on August 31 to review the status of this application. During the August 31 telephone interview, Examiner Colin indicated that, upon further review, it was the Examiner's belief that the subject matter recited in claim 4 was neither taught, nor could it reasonably be considered to have been suggested, by the combination of applied prior art references, *i.e.*, Bauer and Sudia. Examiner Colin indicated that, if Applicants were willing to amend the independent claims of this application to include subject matter such as was recited in claim 4, it was the Examiner's belief that such amendments would place this application in condition for allowance. Separately, Examiner Colin expressed concern regarding the patentability of claims 4, 18 and 19. The Examiner offered helpful suggestions directed at placing this application in condition for allowance. The amendments of claims 1 and 20-27 to incorporate subject matter as was recited in now-canceled claim 4, and the cancellation of claims 4, 18 and 19, are undertaken based on the very helpful comments provided by Examiner Colin during the August 31 telephone interview.

Applicants believe that, based on the agreement reached between Examiner Colin and Applicants' representative during the August 31 telephone interview, these amendments to claims 1 and 20-27, coupled with the cancellation of claims 4, 18 and 19, place this application in condition for allowance.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5-17 and 20-27 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Daniel A. Tanner, III
Registration No. 54,734

JAO:DAT/cfr

Attachment:

Copy of Form PTO-1449 Submitted with IDS on July 12, 2006

Date: September 7, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE	ATTY DOCKET NO. 104934	APPLICATION NO. 09/454,865		
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT(S) Shinichiro TANIGUCHI et al.				
		FILING DATE December 7, 1999	GROUP 2136			
U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number	Date	Name		
FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation
	1	JP-A-10-171905	06/26/1998	Japan	X	X
	2	JP-A-11-73461	03/16/1999	Japan	X	X
	3	JP-A-9-261217	10/03/1997	Japan	X	X
OTHER DOCUMENTS						
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)				
	4	Hitachi Hyoron, "Next Generation Logistic System Using Non-Contact IC Technology," Vol. 80, 4/4/1998, pp. 35-40.				
EXAMINER					DATE CONSIDERED	
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						